

REMARKS

According to the Office Action, restriction among the following alleged species is required on the basis that the alleged species lack unity of invention:

Alleged Species 1	-	Figures 1 and 2
Alleged Species 2	-	Figures 3 and 4
Alleged Species 3	-	Claim 52
Alleged Species 4	-	Claim 54

Applicants provisionally elect, **with traverse**, Alleged Species 1. The Office Action considers claims 29 to 44 and 53 to correspond to Alleged Species 1. Applicants submit that claims 27, 28, and 47 to 53 also correspond to Alleged Species 1. At least claim 27 is generic to multiple species.

Regarding the **traverse** of the unity of invention objection, the Examiner's attention is respectfully directed to, for example, M.P.E.P. § 1850 as well as Annex B to the Administrative Instructions Under the PCT, both of which make plainly clear that a proper unity of invention analysis has not been performed with respect to the present application. For example, M.P.E.P. § 1850 states that "[u]nity of invention has to be considered in the first place only in relation to the **independent claims** . . . and **not** the dependent claims" and that "[i]f the independent claims avoid the prior art and satisfy the requirement for unity of invention, **no problem of lack of unity arises in respect of any claims that depend on the independent claims.**" (emphasis added). In the present application, single independent claim, i.e., claim 27, is pending. As such, there can be no lack of unity of invention. Annex B to the Administrative Instructions Under the PCT confirm the foregoing and also provide that "no [lack of unity] problem arises in the case of a genus/species situation where the genus avoids the prior art." Since there is no indication in the Office Action that any prior art has been taken into account in identifying the alleged species, it is readily apparent that the unity of invention objection is not based on a proper unity of invention analysis and therefore cannot be sustained.

In view of the foregoing, withdrawal of the unity of invention objection is respectfully requested.

Respectfully submitted,

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